



Linda S. Adams
Secretary for
Environmental Protection

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger
Governor

Certified Mail: 7003 1680 0000 6174 8234

February 7, 2007

Mr. Ronald Arias
Executive Director
City of Long Beach Health and Human Services Department
2525 Grand Avenue
Long Beach, California 90815

Dear Mr. Arias:

The California Environmental Protection Agency (Cal/EPA), Office of Emergency Services, Office of the State Fire Marshal, and the Department of Toxic Substances Control conducted a program evaluation of City of Long Beach Health and Human Services Department Certified Unified Program Agency (CUPA) on January 9 and 10, 2007. The evaluation was comprised of an in-office program review and a field inspection. The State evaluators completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff, which includes identified deficiencies, preliminary corrective actions, and timeframes. Two additional evaluation documents are the Program Observations and Recommendations and the Examples of Outstanding Program Implementation.

The enclosed Summary of Findings is now considered final and, based upon review, I find that the City of Long Beach Health and Human Services Department's program performance is satisfactory with some improvement needed. To complete the evaluation process, please provide deficiency progress reports to Cal/EPA of your progress toward correcting the identified deficiencies, using the optional format enclosed. Submit your deficiency progress reports to Jennifer Lorenzo every 90 days after the evaluation date. The first deficiency progress report is due on April 10, 2007.

Cal/EPA also noted during this evaluation that the City of Long Beach Health and Human Services Department has worked to bring about a number of local program innovations, including their practical and comprehensive CalARP program and incorporating GIS maps into their updated Hazardous Materials Area Plan. In addition, the City of Long Beach Human Services Department has shown great flexibility and adaptability over the past several years in addressing various organizational circumstances. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

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Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,



Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosures

cc: Mr. Nelson Kerr, CUPA Manager (Sent Via Email)
City of Long Beach Health and Human Services Department
2525 Grand Avenue
Long Beach, California 90815

Mr. Francis Mateo (Sent Via Email)
Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460

Mr. Fred Mehr (Sent Via Email)
Governor's Office of Emergency Services
P.O. Box 419047
Rancho Cordova, California 95741-9047

Mr. Kevin Graves (Sent Via Email)
State Water Resources Control Board
P.O. Box 944212
Sacramento, California 94244-2102

Mr. Charles McLaughlin (Sent Via Email)
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

Ms. Vickie Sakamoto (Sent Via Email)
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P.O. Box 944246
Sacramento, California 94244-2460

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cc: Mr. Brian Abeel (Sent Via Email)
Governor's Office of Emergency Services
P.O. Box 419047
Rancho Cordova, California 95741-9047

Mr. Mickey Pierce (Sent Via Email)
Department of Toxic Substances Control
700 Heinz Avenue, Suite 210
Berkeley, California 94710-2721

Deficiencies and Corrective Actions

1. **Deficiency:** The CUPA is not classifying violations in a manner consistent with the definitions of Class I, Class II and Minor.

CUPA Corrective Action: CUPA responds here

2. **Deficiency:** In FY 05/06, the CUPA failed to remit the entire state surcharge collected.

CUPA Corrective Action: CUPA responds here

3. **Deficiency:** The CUPA's Unified Program Facility Permit does not contain all required permit conditions.

CUPA Corrective Action: CUPA responds here

4. **Deficiency:** The CUPA is not inspecting all the businesses subject to the business plan program for compliance at least once every three years.

CUPA Corrective Action: CUPA responds here

5. **Deficiency:** The CUPA is not requiring businesses, subject to the hazardous materials reporting requirements, to annually submit their hazardous material inventory or certification statement of no change.

CUPA Corrective Action: CUPA responds here

6. **Deficiency:** The CUPA is not ensuring that businesses are certifying that, at least once every three years, they are reviewing their emergency procedures portion of the business plans and that necessary changes are being made to the plan.

CUPA Corrective Action: CUPA responds here

7. **Deficiency:** The CUPA has not established a CalARP dispute resolution procedure.

CUPA Corrective Action: CUPA responds here



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CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS

CUPA: City of Long Beach Health and Human Services Department

Evaluation Date: January 9 and 10, 2007

EVALUATION TEAM

Cal/EPA: Jennifer Lorenzo and John Paine
OES: Fred Mehr
DTSC: Mickey Pierce
OSFM: Francis Mateo

This Summary of Findings includes the deficiencies identified during the evaluation, observations and recommendations for program improvement, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Jennifer Lorenzo at (916) 327-9560.

Preliminary Corrective Action

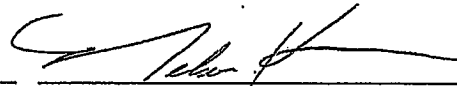
| <u>Deficiency</u> | <u>Action</u> |
|--|--|
| <p>1 The CUPA is not classifying violations in a manner consistent with the definitions of Class I, Class II and Minor as defined in Health and Safety Code and title 22, California Code of Regulations. During a review of files the following violations were noted in 2006, but no violation classification was noted in the inspection report. The evaluator believes these violations to be Class I or II violations:</p> <p>a) Bison Engineering: The 12/14/06 report cites lack of a contingency plan, and the 1/3/04 report cites lack of shipping receipts for used oil.</p> <p>b) California Pre-Stain: The 6/19/06 report cites storage for greater than allowed time limits and failure to maintain the facility in manner that minimizes releases (overspray).</p> <p>c) Fine Quality Metal Finishing: The 5/12/04 report cites storage for greater than allowed time limits.</p> <p>d) Aerospace International Inc.: The 3/15/06 report notes the facility is disposing of waste at a co-located facility (offsite disposal at a point not authorized).</p> <p>HSC Chapter 6.5 Sections 25110.8.5 and 25117.6 Title 27, CCR, section 15200(f)(2)(C) Title 22, CCR, section 66260.10</p> | <p>By February 10, 2007, the CUPA shall begin marking all inspection reports with the classification of violation. The CUPA has self identified this deficiency as a point to improve upon. The CUPA has noted that it is preparing new inspection forms and a data tracking system that will account for the classification of violations at the time of inspection and allow for those violations to be tracked.</p> |

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

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|---|--|---|
| 2 | <p>In FY 05/06, the CUPA failed to remit the entire state surcharge collected. Although the CUPA assessed and collected a total of \$39,817 during FY 05/06 they only remitted \$2,669.50 to the state.</p> <p><u>Title 27, CCR, section 15210 (c)(2)</u></p> | <p>By March 16, 2007, the CUPA will remit the remaining surcharge for FY 05/06 to Cal/EPA.</p> |
| 3 | <p>The CUPA's Unified Program Facility Permit does not contain all required permit conditions. The permit is missing the following conditions, which are all related to the UST Program:</p> <ol style="list-style-type: none"> 1) UST identification numbers; 2) A statement indicating that the monitoring and plot plans are to be maintained on site; and, 3) A reference requiring compliance with Title 23. <p><u>Title 23, CCR, sections 2712(h), 2712 (i), 2712 (c)</u></p> | <p>By April 13, 2007, the CUPA will amend their Unified Program Facility Permit to incorporate the missing UST permit conditions.</p> |
| 4 | <p>The CUPA is not inspecting all the businesses subject to the business plan program for compliance at least once every three years. Less than 20% of the files reviewed contained an inspection report.</p> <p><u>HSC Chapter 6.95, Section 25508(b)</u></p> | <p>By March 16, 2007, the CUPA will develop a strategy and begin implementation of a plan to ensure adherence to the triennial inspection frequency requirement.</p> |
| 5 | <p>The CUPA is not requiring businesses, subject to the hazardous materials reporting requirements, to annually submit their hazardous material inventory or certification statement of no change. Less than 25% of the files reviewed contained an annual inventory.</p> <p><u>HSC Chapter 6.95, Section 25503.3(c)(1)(2)</u></p> | <p>By March 16, 2007, the CUPA will develop a strategy and begin implementation of a plan to ensure all regulated businesses annually submit their hazardous material inventory or certification statement.</p> |
| 6 | <p>The CUPA is not ensuring that businesses are certifying that, at least once every three years, they are reviewing their emergency procedures portion of the business plans and that necessary changes are being made to the plan.</p> <p><u>HSC Chapter 6.95, Section 25505(c)</u></p> | <p>By March 16, 2007, the CUPA will develop a strategy and begin implementation of a plan to ensure that businesses are reviewing their business plans and necessary changes are made.</p> |
| 7 | <p>The CUPA has not established a CalARP dispute resolution procedure.</p> <p><u>Title 19, CCR, Section 2780.1(a)</u></p> | <p>By April 13, 2007, the CUPA will establish a CalARP dispute resolution procedure.</p> |

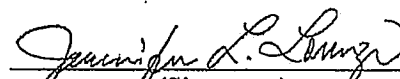
CUPA Representative

NELSON KERR
(Print Name)


(Signature)

Evaluation Team Leader

JENNIFER L. LORENZO
(Print Name)


(Signature)

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

The observations and recommendations provided in this section simply address those areas not specifically required of the CUPA by regulation or statute and are provided for continuous program improvement only.

1. **Observation:** The CUPA's records show that the following facilities are not hazardous waste generators, while DTSC's Hazardous Waste Tracking System shows them to be generators: Alloy Processing, Carson Rolled Aluminum (Commonwealth Aluminum), Shell Oil Products (4990 Long Beach Blvd), Ship Cape Isabel No. 577636, and Tidelands Oil Production.

Recommendation: Reconcile this discrepancy by conducting inspections at the above facilities to ensure their proper regulatory status.

2. **Observation:** A review of potential RCRA LQGs located in the CUPA files shows that the following facilities are potentially RCRA LQGs operating with state issued (CAL) EPA ID numbers instead of federally issued EPA ID numbers: Standard Metals (CAL000277168), Fine Quality Metal Finishing (CAL000096550), Long Beach Million Air (CAL000129161), and Mercury Air Center (CAL000274269).

Recommendation: Check the status of these facilities and if found to be RCRA LQGs, require them to obtain a federally issued EPA ID number.

3. **Observation:** Some of the CUPA's inspection reports contained statements which were not impartial and objective. Example notes included "housekeeping is fair" and "do not exceed time limits".

Recommendation: Remind inspectors to include only objective observations in reports.

Certified Unified Program Agency (CUPA)
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EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. The CUPA's inspection report documentation of observations not related to violations has shown improvement of the past three years.
2. The CUPA is doing a very good job ensuring that return to compliance documentation, either in the form of a return to compliance document or a re-inspection report noting correction. All files reviewed contained documentation of correction of all violations.
3. The CUPA does a good job of integrating pollution prevention, source reduction, and universal waste regulation into its routine inspection activities. Additionally, the CUPA has gone above the general scope of the regulations by charging all businesses an "environmental education fee," which is used to develop and distribute universal waste related information throughout the city.
4. The CUPA has been doing a good job of taking formal enforcement over the past four years, making 41 formal enforcement referrals and assessing \$74,559 in penalties. Over the past three years, 99.2 percent of all penalties assessed have been collected (\$56,330).
5. The CUPA has demonstrated great flexibility and adaptability over the past several years in addressing various organizational circumstances, such as new management, dissolution of the JPA with the City of Signal Hill, and constant flux of Fire Department staff assigned to the HMBP and UST Program elements. The CUPA is combined with the Fire Department which allows the CUPA to be on the same page with all city fire agencies. The Fire Department staff are now permanently assigned to the Unified Program as civilian employees rather than being on a rotation schedule and classified as safety employees. The Long Beach Fire Department has retained three civilian UST inspectors. One inspector transferred into the UST program May 2005. The second inspector transferred into the UST program in January 2006. The third inspector, who worked full time in the program for three months, is now acting as a backup to the two full time inspectors. All three UST inspectors received their UST Inspector Certification in May 2006. In addition, the HMRRP inspector received his UST Inspector Certification in July 2005 and can act as a backup on an as-needed basis. Another example of their adaptability concerns the CUPA's data management system. The Health Department and Fire Departments use different database systems to manage their data. To ensure the quality of data and consolidation of data when reported to the state, the departments have developed similar methods to collect, track, and report information to the state, which also includes close coordination and consultations on a regular basis. Furthermore, the Health Department has demonstrated great efforts to ensure the quality of data reported to the state by employing a method to track and report data by "hand" when their database system (Envision) was abruptly and suddenly disconnected without any transition considerations.
6. The CUPA has an excellent self-audit report that artfully, in a concise and complete way, accurately depicts the CUPA's activities during the reporting year. All program elements are addressed with the addition of some useful trend analysis to demonstrate and examine the adequacy of their performance for all program elements. This information is presented in a clear and concise manner in its annual self-audit reports.

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

7. The CUPA has developed a practical and comprehensive CalARP program, which has been meticulously documented in a separate CalARP binder. The binder contains detailed information on all stationary sources (even those no longer subject to the program), documenting the regulated substances being handled, the quantity of substances, and a chronological summary of the CUPA's oversight activities to date for each facility.
8. As part of their triennial update to their Hazardous Materials Area Plan, which was closely coordinated under the direction of the City's Emergency Management committee, the CUPA developed GIS maps that could be used to prepare for and respond to a catastrophic event that affects the City. This includes the identification of critical facilities and high-risk facilities throughout the city. Maps developed by the CUPA based on the information obtained through the Unified Program include locations of CalARP, AST, and other similar types of facilities in the City of Long Beach that either have high-risk potential of a significant accidental release.
9. The CUPA effectively and efficiently coordinates their Unified Program implementation and enforcement activities with other local (intra-city) agencies and several state partners. This includes regular meetings with the Long Beach Fire Department, inter-city and coordination with other agencies within and outside of the CUPA's jurisdiction, such as the CAER (Chemical Awareness & Emergency Response) and CUPA Regional Forums, other CUPAs within LA County, and the City's enforcement strike force. The Unified Program has taken an active membership with the Greater Long Beach CAER group. This group is comprised of government, hospital, community and businesses that regulate, handle or are concerned with hazardous chemicals. Most of the businesses are those that handle large volumes and/or extremely hazardous materials. Meetings are held monthly and this has been an effective venue for both business and community outreach.

Another example of the CUPA's effort to coordinate, consolidate, and make consistent in their multi-media and cross program coordination is the City's Business License/Team, who perform joint inspections of businesses applying for a business license. New businesses are required to apply for a business license. Inspections are required for businesses that have the potential to substantially impact the public safety or welfare of the community. Those include businesses that handle or produce hazardous or toxic materials (such as auto repair shops or manufacturing facilities), or businesses that interact with a large number of people (such as restaurants or nightclubs). For these businesses, the City must continue to do an extensive review. This may require inspection expertise from several City departments. To make these inspections more convenient for businesses, inspections will be conducted as a team. For example, Fire, Health, Police, and Building/Planning inspectors will schedule and conduct an inspection together. The Health Department Hazardous Materials Division Staff participates in business licensing inspections twice a week. As a result, 119 new businesses were licensed in the CUPA programs. Having a coordinated Business License/Team Inspection Program allows for a comprehensive inventory of businesses in the City that handle hazardous materials.

10. The CUPA has an excellent file system; files are clean and crisp, in a logical order that made it a pleasure to review.